ghla Greater Hartford Legal Aid | Connecticut Legal Services | LAA New Haven Legal Assistance Association, Inc.

Testimony of Raphael L. Podolsky

Housing Committee public hearing – February 7, 2023

H.B. 6590 – Family and group child care homes **SUPPORT**

The pandemic and its aftermath have been severely damaging to the provision of licensed home day care. Such day care is essential to enable parents with children to work – especially single parents, who are usually women. In addition, it provides employment to home day care providers, who are also usually women, who are often caring for their own children as well. Because of the essential nature of home day care, Connecticut law (C.G.S. 8-2) already prohibits towns from discriminating against home day care in residential zones. In effect, the law already requires towns to treat both family and group home day care as a residential function, not as a business.

This very important bill makes two types of change in the law. ***First***, just as existing law prohibits towns from excluding licensed home child care, this bill prohibits landlords from blocking family home child care, if the State Office of Early Childhood (OEC) has licensed the provider and approved the home. This provision of the bill applies only to family child care homes (usually 1 to 6 children), **NOT** to group child care homes (7 to 12 children). The bill explicitly allows the landlord to require liability insurance and that the landlord be named an additional insured on the policy; and it immunizes the landlord from liability for injuries caused by the provider's negligence. ***Second,*** in regard to zoning discrimination, it makes clear that towns cannot evade the existing prohibition against discrimination against group home day care by imposing special zoning permits and exceptions that do not apply to other residential property. This protection already exists for family child care homes under C.G.S. 8-3j.

S.B. 942 – Rental application fees **SUPPORT**

This bill puts a stop to the practice of charging tenants application fees for applications that do not in fact go through a third-party screening process. Tenants today potentially face hundreds of dollars in application fee charges for apartments for which they are not even being seriously considered. Under S.B. 942, for such a fee to be charged, the fee will be limited to the actual cost of the screening report, and the tenant must receive a copy.

H.B. 6593 – Expanded housing authority jurisdiction **SUPPORT**

The primary effect of this bill is to prevent discrimination against housing authorities that do new housing development. Housing authorities, alone among developers, are required to get town council permission (not to be confused with zoning approval) to develop in a town – no such requirement exists for any other developer. The bill requires that housing authorities be treated in the same way as any other housing developer – whether non-profit or for-profit. The bill does not, however, free housing authorities from any other state or local requirements that apply to other developers, e.g., zoning, sewer, wetlands, traffic, or anything else that applies. Their same appeal rights under the bill are also the same as other developers. The availability of this "expanded" jurisdiction will also help encourage housing authorities that administer Section 8 programs to promote regional mobility programs, since they would not

lose federal administrative fees if a voucher is "ported" to a town within their "expanded" area of operation.

Note: H.B. 6593 does not include a mileage limit on expanded areas of operation. The bill is intended for nearby towns. For urban housing authorities, this would usually be first- and second-ring suburbs. We think it would be reasonable to limit the authority for "expanded" jurisdiction to towns within 20 miles of the housing authority's base town.

S.B. 943 – Return of security deposits **SUPPORT**

This bill requires that the landlord return or account for withholding from a security deposit within 10 days after the tenant vacates. Current law requires 30 days. In practice, the 30 days is so long that the tenant cannot effectively use the security deposit as a security deposit for a new apartment. The national median of state laws is 30 days, but, according to a national survey, a number of states have shorter time limit, including New York and Vermont (14 days) and Rhode Island, Minnesota, Wisconsin, and Washington (20 or 21 days). See https://www.nolo.com/legal-encyclopedia/chart-deadline-returning-security-deposits-29018.html. The reason for any delay at all is to give the landlord time to inspect the apartment and, if necessary, get repair estimates so as to assess property damage (landlords presumably know the amount of any rent arrearage immediately). Thirty days is well longer than it should take to assess damages, especially since the landlord will need to address repairs in order to rent the apartment to another tenant. We urge the Committee to approve the bill with a 14- or 21-day requirement.

H.B. 6591 – Access to mobile home park complaints **SUPPORT**

The Department of Consumer Protection (DCP) regulates mobile manufactured home parks under Chapter 412 of the general statutes (C.G.S. 21-64 through 21-84b). Mobile home park regulation, however, is different from ordinary consumer complaint regulation. It is much more analogous to housing code enforcement, for which complaint information is not exempt from disclosure under the Freedom of Information Act (see C.G.S. 1-210(e)(2)). While DCP may have discretion to withhold this information under the Connecticut Unfair Trade Practices Act (CUTPA), it should not exercise that discretion. Blocking release makes it hard to monitor what is happening in mobile home parks and hard for residents themselves to learn of complaints in their own parks. In practice, mobile home park complaints have sometimes been pending for months or even years. There is a 30-day withholding limit on municipal health complaints in C.G.S. 1-210(b)(16). Indefinite withholding unreasonably extends this time period. H.B. 6591 requires disclosure.

S.B. 940 – Pre-occupancy inspection of rental property **SUPPORT**

This bill requires the landlord, on request, to permit a joint walk-through of the apartment before the tenant moves in. The Department of Housing is required to produce a standard inspection checklist to be used. Under the bill, the landlord cannot withhold from the security deposit or otherwise hold the tenant liable at the end of the tenancy for items that were identified as defective at the time of the pre-occupancy walk-through, with the checklist as presumptive evidence.

*Raphael L. Podolsky * RPodolsky@ctlegal.org * Cell 860-836-6355 * 16 Main Street, New Britain, CT 06051*